



PATENT  
Customer No. 22,852  
Attorney Docket No. 08203.0030.01000

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
)  
Frank BONADIO et al. ) Group Art Unit: Unknown  
)  
Application No.: 10/600,812 ) Examiner: Unknown  
)  
Filed: June 20, 2003 )  
)  
For: APPARATUS FOR USE IN )  
SURGERY AND A VALVE )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT UNDER**  
**37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached PTO 1449 form. To the best of the undersigned's knowledge, this Supplemental Information Disclosure Statement ("IDS") is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

This IDS brings to the attention of the Examiner an Interference Proceeding involving the parent application to this application (Application No. 08/641,811) and U.S. Patent No. 5,640,977 to Leahy et al. The Interference Proceeding was assigned Interference No. 104,195.

In an effort to avoid inundating the Examiner with non-relevant documents of the Interference Proceeding, Applicants provide with this IDS a copy of the index of the Interference Proceeding, along with copies of selected documents of the Interference Proceeding. While the Applicants believe that the information provided regarding the Interference Proceeding is sufficient for the Examiner's full consideration of the Interference Proceeding, Applicants will gladly provide the Examiner with a copy of any other paper of the Interference Proceeding upon request.

The selected documents include:

- (1) Applicants-created index of interference No. 104,195, between Leahy et al. (Senior Party) (U.S. Patent No. 5,640,977) and Bonadio et al. (Junior Party) (Application No. 08/641,811) (3 pages) and original copy from Interference File (Form PTO-257(A)) (2 pages);
- (2) Paper number 23 from interference No. 104,195 (Decisions on Motion; New Preliminary Motion Period; etc.) (26 pages);
- (3) Paper number 38 from interference No. 104,195 (Show Cause Order) (2 pages); and
- (4) Paper number 39 from interference No. 104,195 (Judgment Favorable Senior Party) (3 pages).

Copies of the patents and publications involved in the Interference Proceeding were previously provided in an IDS filed on December 5, 2003.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached PTO 1449 form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed

documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the U.S. Patent and Trademark Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: March 22, 2004

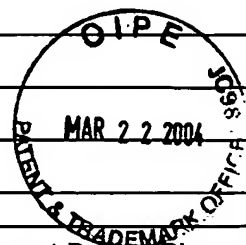
By: 

Michael L. Woods  
Reg. No. 50,811

<b>Paper Number</b>	<b>Date</b>	<b>Description</b>
30	08NOV00	Request for Extension of Time - Bonadio
31	21NOV00	The Parties' Request for an Extension of Time - granted
32	12JAN01	Second Notice of Revised Schedule - Bonadio
33	05MAR01	Submission of Testimony of Junior Party - Bonadio
34	05MAR01	Exhibits (Three video tapes) and Submission of Testimony of Junior Party- Bonadio
35	08MAR01	Notice to the Board of Patent Appeals and Interferences - Bonadio
36	15MAR01	Senior Party Objections to Junior Party's Evidentiary Submissions - Leahy
37	16JUL01	Senior Party Leahy's Motion for Judgment for Junior Party Bonadio's Failure to File a Record and an Opening Brief
38	19JUL01	Show Cause Order
39	15AUG01	Judgment Favorable Senior Party - Leahy

## INFORMATION DISCLOSURE CITATION

Atty. Docket No.	08203.0030.01000	Application No.	10/600,812
Applicant	Frank BONADIO et al.		
Filing Date	June 20, 2003	Group:	Unknown



*Examiner Initial	OTHER DOCUMENTS (Including Publisher, Author, Title, Date, Pertinent Pages, Place of Publication.)
	Applicants-created index of interference No. 104,195, between Leahy et al. (Senior Party) (U.S. Patent No. 5,640,977) and Bonadio et al. (Junior Party) (Application No. 08/641,811) and original copy from Interference File (Form PTO-257(A)).
	Paper number 23 from interference No. 104,195 (Decisions on Motion; New Preliminary Motion Period; etc.)
	Paper number 38 from interference No. 104,195 (Show Cause Order)
	Paper number 39 from interference No. 104,195 (Judgment Favorable Senior Party)

Examiner	Date Considered
<p>*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p>	
Form PTO 1449	Patent and Trademark Office - U.S. Department of Commerce

**Applicants-Created Index to Interference No. 104,195**  
(Transposed from Form PTO-257(A) for Examiner's convenience)



<b>Paper Number</b>	<b>Date</b>	<b>Description</b>
1	31AUG98	Notice Declaring Interference
2	16SEP98	Notice of Ownership of Application - Bonadio
3	02OCT98	Notice of Lead Attorney - Leahy
4	16NOV98	Stipulation - Leahy
5	27NOV98	Contingent Preliminary Motion Under 37 C.F.R. 1.633(a) for Judgment that Subject Matter of Claims 25, 32, 35-40 and 53-56 is unpatentable to Party Bonadio et al. (w/attach) - Leahy
6	27NOV98	Motion Under 37 C.F.R. 1.633(g) to Deny Senior Party Bonadio et al. Benefit of Foreign Priority Claims Under 35 U.S.C. § 119 and to Reorder Status of Parties in Interference (w/attach) - Leahy
7	27NOV98	Notice of Filing Preliminary Statement - Leahy
8	01DEC98	Notice of Change of Address - Bonadio
9	01DEC98	Information Disclosure Statement - Bonadio
10	30NOV98	Bonadio et al. Preliminary Motion No. 1 for Benefit of Earlier Application Under 37 C.F.R. § 1.633(f) - Bonadio
11	30NOV98	Bonadio et al. Preliminary Motion No. 2 to Attack the Benefit Accorded Leahy et al. Under 37 C.F.R. § 1.633(g) - Bonadio
12	30NOV98	Bonadio et al. Preliminary Motion No. 3 to Redefine the Interfering Subject Matter Under 37 C.F.R. §§ 1.633(c)(4) and 635 - Bonadio
13	30NOV98	Preliminary Statement for Party Bonadio et al. and Notice of Filing Preliminary Statement - Bonadio
14	16DEC98	Leahy et al.'s Reply/Opposition to Bonadio et al.'s Preliminary Motion No. 1 for Benefit of Earlier Application Under 37 C.F.R. § 1.633(f) - Leahy

<b>Paper Number</b>	<b>Date</b>	<b>Description</b>
15	16DEC98	Leahy et al.'s Reply/Opposition to Bonadio et al. Preliminary Motion No. 2 to Attack the Benefit Accorded Leahy et al. Under 37 C.F.R. § 1.633(g) - Leahy
16	16DEC98	Leahy et al.'s Reply/Response to Bonadio et al.'s Preliminary Motion No. 3 to Redefine the Interfering Subject Matter Under 37 C.F.R. § 1.633(c)(4) and 635 - Leahy
17	23DEC98	Party Leahy et al.'s Reply/Response to Party Bonadio et al.'s Opposition to Party Leahy et al. Contingent Preliminary Motion Under 37 C.F.R. § 1.633(a) for Judgment- Leahy
18	23DEC98	Party Leahy et al.'s Reply/Response to Party Bonadio et al.'s Opposition to Party Leahy et al. Preliminary Motion to Deny Senior Party Bonadio et al. the Benefit of Foreign Priority Claims Under 37 C.F.R. § 1.633(g) - Leahy
19	30DEC98	Reply to Leahy et al.'s Opposition to Bonadio et al.'s Preliminary Motion No. 1 for Benefit of Earlier Application Under 37 C.F.R. § 1.633(f) - Bonadio
20	30DEC98	Reply to Leahy et al.'s Opposition to Bonadio et al.'s Preliminary Motion No. 2 to Attack the Benefit Accorded Leahy et al. Under 37 C.F.R. § 1.633(g) - Bonadio
21	21MAR00	Order Regarding Bonadio's Oppositions
22	22MAR00	Response to Order
23	24APR00	Decisions on Motion; New Preliminary Motion Period; etc.
24	24APR00	Redeclaration
25	09MAY00	Notice of Service of Preliminary Statement of the Party Bonadio et al.
26	11MAY00	Power to Inspect - Leahy
27	15MAY00	Proof of Service of Preliminary Statement - Leahy
28	11OCT00	Scheduling Order
29	20OCT00	Statement Under 37 C.F.R. § 1.640(b) - Bonadio